

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

JAMES COON,)	
)	
Plaintiff,)	
)	
v.)	No. 4:14CV1814 HEA
)	
MEDTRONIC, INC., et al.,)	
)	
Defendants.)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on plaintiff's motion to amend his complaint. The motion will be denied.

Although the Federal Rules have a liberal policy toward amendments, “[p]ost-dismissal motions to amend are disfavored,” *In re Medtronic, Inc., Sprint Fidelis Leads Products Liability Litigation*, 623 F.3d 1200, 1208 (8th Cir. 2010), and amendments should not be granted when they would be frivolous or “futile.” *See Foman v. Davis*, 371 U.S. 178, 182, 83 S. Ct. 227, 9 L. Ed. 2d 222 (1962); *Coleman v. Ramada Hotel Operating Co.*, 933 F.2d 470, 473 (7th Cir. 1991).

In the order dismissing this action, the Court noted that plaintiff is a resident of New York, that defendants operate in Minnesota and Tennessee, and that the allegations in plaintiff's complaint center around an incident that took place in New York and plaintiff's treatment by various doctors in various medical facilities in New York. Accordingly, the Court explained that it would dismiss the action because none of the requirements for venue under 28 U.S.C. §

1391(a) had been met. In his amended complaint, plaintiff fails to even allege that venue properly lies in the district.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to amend his complaint is **DENIED**.

Dated this 18th day of November, 2014.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE